



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kelly Good	)	Examiner: Newhouse, Nathan
		)	Jeffrey
Serial No.:	10/606,627	)	Art Unit: 3727
Filed:	06/25/2003	)	Attorneys Ref.: P214379
Title:	HOLDING APPARATUS AND METHOD	)	
	FOR DISPENSERS OF HARDENABLE	)	
	MATERIALS	)	

**DECLARATION OF KELLY GOOD**

I, Kelly Good, having a home address of 209 Judy Avenue, Burlington, Washington 98233, state and aver the following:

1. I have been asked by Mr. Michael R. Schacht, the attorney of record in this U.S. Patent Application Serial No. 10/606,627, to comment on certain matters of which I have knowledge. I hereby declare that all statements herein made of my own knowledge are true and that all statements herein made on information and belief are believed to be true.

2. I am currently owner of Fiddler Roofing Company. I have been in the roofing for approximately 25 years. I consider myself of at least ordinary skill in the roofing trade.

3. I have had a chance to look at U.S. Patent Nos. 6,491,191 to Cleveland, 5,295,601 to Bostelman, 5,302,302 to Shelley et al., and 4,588,116 to Litman.

4. Approximately 2 1/2 years ago, I began selling a product under the trademark Caulked N' Ready. I developed the Caulked N' Ready product as a result of my experience in the roofing industry. In particular, I recognized that the caulking gun industry had not provided an effective way of storing and/or preserving caulking material in caulking tubes after the tubes had been opened. I was aware of a number of jobsite "solutions" to the problem of storing and preserving caulking material, but these were typically inconvenient and ineffective. For example, the use of a nail to plug an opened caulking tube required the user to search for and find an appropriate nail and even then did not adequately seal the opening in the caulking tube.

5. Further, nails and other such plugs did not solve the problem of carrying a caulking tube and gun combination while working. When working on ladders, rough framing, and roofs, it is often helpful to have both hands free. I was unaware of anything that would effectively seal the opening in a caulking tube and at the same time allow the tube and gun to be carried with both hands free without losing the seal and dripping caulking material.

6. My Caulked N' Ready product not only solved the problem of storing and preserving caulking materials in open caulking tubes but also allowed the caulking tube and gun to be carried while on the jobsite while allowing both hands to be free.

7. Although my Caulked N' Ready product was originally developed and is currently marketed primarily for use with caulking materials, the Caulked N' Ready product can be used with any number of hardenable materials, such as adhesives, stuccos, and the like, that are stored in a tube and dispensed with gun assemblies.

8. The Caulked N' Ready product is a holder configured to hold dispensing guns for product cartridges containing materials such as adhesives and caulking materials. The Caulked N' Ready product comprises a holding structure defining a side wall and a bottom wall. The structure defines a main opening and a holding chamber, and a plug projection extends from the bottom wall into the holding chamber. The holding chamber is sized and dimensioned to receive the product cartridge.

9. I do not think that the Cleveland and Bostelman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 8 above. In particular, the Bostelman device is intended to engage the tip of the product cartridge directly and not to be attached to a holster such as the holster shown in the Cleveland patent. The Caulked N' Ready product is in contrast a multi-purpose device that is designed for hands-free storing and plugging of the opening in the product cartridge. In my opinion, one of ordinary skill in the art would not be motivated to combine Cleveland and Bostelman to obtain the Caulked N' Ready product as described in paragraph 8.

10. The Caulked N' Ready product further has at least one wall opening formed in the holding structure adjacent to the plug projection.

11. I further do not think that the Cleveland, Bostelman, and Shelley patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 10 above. Again, I do not believe that one of ordinary skill in the art would modify either the Cleveland or the Shelley holster to incorporate the Bostelman device. Further, the blind slot 18 in the Shelley holster is provided only to allow the aerosol container stored therein to be lifted and not to provide access to a plug projection. In contrast, the opening in the Caulked N' Ready product as described in paragraph 10 is for not for pushing anything or lifting, but instead allows the plug projection to be cleaned. In my opinion, the Shelley patent does not suggest modifying the Cleveland holder to include an opening as recited in paragraph 10 above.

12. The Caulked N' Ready product further has a plurality of guide ribs that extend from the side wall into the holding chamber. When the product cartridge is placed into the holding chamber, at least one of the guide ribs engages a portion of the dispensing system to facilitate entry of the plug projection into the dispensing opening.

13. I further do not think that the Cleveland, Bostelman, and Litman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 12 above. The Litman patent discloses ribs 30, but describes these ribs 30 as being flexible to facilitate a snug fit and ease of withdrawal of the item stored in the holster 10. The ribs described in the Litman patent are not guides, and certainly do not disclose, teach, or suggest a structure that would facilitate entry of the plug projection into the dispensing opening. In my opinion as one of ordinary skill in the art, the ribs described in Litman do not disclose, teach, or suggest the guide ribs as described in paragraph 12 above.

14. In summary, I do not believe that one of ordinary skill in the art would combine the Cleveland, Bostelman, Shelley, and Litman references as suggested by the Examiner.

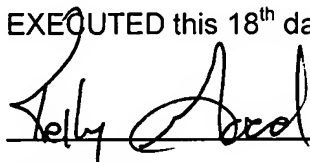
15. I am attaching herewith as Exhibits A and B a letter and product review written by the Gillian Zed of The Product Rocket following the 2005 National Hardware Show/Gourmet Housewares Show in Las Vegas, NV. The Product Rocket is a company that identifies innovative products and assists developers in bringing these products to market. The letter and

product review attached hereto indicate that the Caulked N' Ready product is unique and one of the handiest inventions seen at the show.

16. We are currently negotiating with a caulking gun manufacturer to take this product to Lowe's, and in my opinion neither the caulking gun manufacturer nor Lowe's would negotiate with us unless they believed that the product was novel and nonobvious.

17. I, Kelly Good, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXECUTED this 18<sup>th</sup> day of August, 2005.

  
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Kelly Good

***This little letter below goes with the article that Kelly is bringing into the office. I thought you might like to use the section she wrote about the Holder being unique.***

Hello Friends- I spoke with you about your company and products at the National Hardware/Gourmet Show last month in Las Vegas. My company, The Product Rocket, evaluates products and helps expand their sales and distribution with our award winning creative services.

We attend several trades shows each year to find the newest offerings, particularly from the local area, and issue a press release highlighting the best products. I interviewed 30 exhibitors from the Pacific Northwest, and found your product to offer something unique for re-sellers and consumers. This piece has been circulated to local press business editors, as well as posted on our web site.

You will find the press release, "More than Hammers and Nails" under "Rocket News" on our home page: [www.TheProductRocket.com](http://www.TheProductRocket.com). It includes a link to your web site. Thank you for your time and product information.

Please feel free to contact us with any questions you may have.  
Best regards,  
Gillian Zed



**For Immediate Release: June 15, 2005**  
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**More than Hammers and Nails:**  
***Pacific Northwest Offers Innovative Products at***  
***2005 National Hardware Show/Gourmet Housewares Show***

Las Vegas, NV- Innovative gadgets, environmentally friendly products and classic tools with a twist comprised the assortment showcased by over 30 Pacific Northwest companies in Las Vegas last month. The massive 60<sup>th</sup> National Hardware Show ran concurrent for the first time with The Gourmet Housewares Show, a smaller show focused on high end appliances and gourmet items. More than 3,000 exhibits covered the Las Vegas and Sands Convention Centers, welcoming over 30,000 industry professionals to review the latest trends in 135 categories.

Local manufacturers offered some true stand outs in the sea of every imaginable hardware gizmo and garden accessory. The Northwest's history of invention was upheld, with as a new generation of tools and time savers. Reflecting the trend of environmental concerns, there was a greater presence of recycled materials and chemical free products. Here are our top Pacific Northwest company product highlights:

**Allsop Home and Garden's** newest product is the Firefly solar garden lamp. Serving as a plant stake, garden art or pathway lighting, the stainless steel post adjusts in height and holds a European made solar panel and rechargeable batteries. The hand blown glass globes are interchangeable for seasonal updates. Selling for under \$45, the Firefly is available from Molbak's or online at [www.allsopgarden.com](http://www.allsopgarden.com)

**Caulked and Ready™**, by **PCK Innovations** was one of the handiest inventions we saw at the show. Clipping to a belt, the safety orange plastic sleeve features a mounted pin to plug an open caulk gun when inserted. This keeps hands free on ladders as well as being able to plug and store the caulk gun in one step. Suggested retail is \$14.95. Learn more at [www.caulkednready.com](http://www.caulkednready.com)

**Down to Earth Distributors** has handled nature based products for 28 years, and continues to offer great looking recycled glass dinnerware, bottles and cruets. They have an extensive range of fertilizers and garden products as well. Their web site is trade focused: [www.downtoearthdistributors.com](http://www.downtoearthdistributors.com)

**Firestarters by Lightning Nuggets™, Inc.** proves the oldest technology can still be improved. These non toxic, environmentally safe nuggets made from compressed, pitchy sawdust bound with a small amount of wax, replace kindling or lighter fluid when lighting a fire. Just one starts a fire for wood or pellet stoves, fireplaces, camping and barbeques. At Fred Meyer and Lowes. [www.lightningnuggets.com](http://www.lightningnuggets.com)

**Foremost Tarp Company** is a 20 year old Auburn based family owned business, importing and wholesaling one of the industry's only true, full sized 8' x 10' tarps. These quality poly tarps are available locally at GI Joes and Dunn Lumber. [www.foremosttarp.com](http://www.foremosttarp.com)

**Global Harvest Foods** is a 30 year old company offering quality seeds and foods for wild birds and small caged animals. New items include a line of easy pour and store containers for the well known Mills Bros. brand. They also launched a new web site filled with resources and information about attracting and feeding wild birds. Products are at PetsMart and Walgreen's. For complete info visit: [www.ghfoods.com](http://www.ghfoods.com)

**Sea Bear Wild Salmon** offers an impressive product with features that set it above other salmon gift pack makers. True to their name, the fish, including Copper River Sockeye, is hook and line caught in the wild by smaller boats and hand filleted. Founded in 1957, the Anacortes based company's products can be found at Whole Foods and other fine grocery stores or on their website: [www.seabear.com](http://www.seabear.com)

**Redden Marine Glove from Bellingham**, makes the Atlas® Glove, #370 assembly grip with the patented Nitrile coating that allows for a super dexterous grip, perfect for delicate gardening tasks. You can buy these machine washable, nylon lined gloves for under \$5.00 on the company's web site: [www.reddeninc.com](http://www.reddeninc.com)